

REMARKS/ARGUMENTS

Reconsideration of this application in light of the above amendments is courteously solicited.

Initially it should be noted that Applicant has filed concurrently herewith a Petition to Suspend action on the instant application for three months so as to allow Applicant's representative to schedule an interview with the examiner in charge of the instant application based on the claims as amended in the instant preliminary amendment.

Independent claim 8 has been amended so as to set forth that the blast-resistant panels are fixedly attached to and extend inwardly from the inner surfaces of the vehicle body. The support for the amendment made to independent claim 8 can be found, for example, on Page 3 line 9 and Page 6 line 11 of the instant application.

The examiner in his final rejection cited new reference to Elizondo under 35 U.S.C. 102(b). Initially it should be noted that the Elizondo reference does not deal with blast-resistant panels; however, in an effort to more clearly define the invention claim 8 has been amended so as to set forth that the blast-resistant panels are fixedly attached to and extend inwardly from the inner surfaces of the vehicle body. The examiner cited column 3 lines 35-62 as a teaching for "anchoring of panels to adjacent structure". In fact, the document describes four sets of guide wheels 20 which are mounted longitudinally along the passenger module 12 where each set of guide wheels 20 engages in a registry with a respective guide rail 18 which enables movement. Thus, the modules in the cited reference are not stationary but are rather movable. Claim 8 has been amended so as to distinguish over the Elizondo reference.

Accordingly, the examiner's rejection of claims 9, 10 and 11 based on the Elizondo reference as the primary reference is improper and should also be withdrawn.

The examiner rejected previously submitted claims 8, 9, 12 and 13 under 35 U.S.C. 103 as being unpatentable over the Henney reference in view of Setina. Applicant urges that the examiner's rejection constitutes a hindsight reconstruction which is not allowed under 35 U.S.C. 103. The cited documents to Henney and Setina constitute two totally unrelated disclosures. For the examiner to reach the conclusion of obviousness under 35 U.S.C. 103 belies the concept of a whole clause of 35 U.S.C. 103. If the examiner is to persist with this rejection, it is respectfully requested that the examiner point out the motivation for combining the references as proposed.

In light of the foregoing, it is submitted that all of the claims as pending patentably define over the art of record and an early indication of same is respectfully requested.

As previously noted, Applicant has filed a Petition to Suspend action so as to allow for an interview with the examiner prior to action on the instant preliminary amendment.

Naturally, if the examiner's intention is to issue a Notice of Allowance in response to the amendment made herein and the arguments presented, the need for the suspension is no longer necessary. In such a case Applicant would respectfully request the issuance of a formal Notice of Allowance.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the

Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

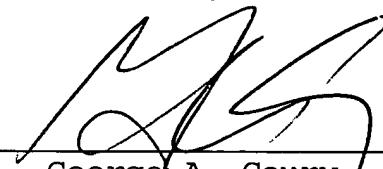
It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

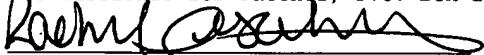
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Date: January 31, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on January 31, 2005.

  
Rachel Pischelli